

Remarks/Arguments:

Claims 1-29 are pending. Claims 1, 2, 8, 15 and 21 stand rejected. Applicants acknowledge with appreciation the indication that claims 3-7, 9-14, 16-20 and 22-29 would be allowable if rewritten in independent form. Applicants respectfully submit that in view of the amendments and remarks below, rewriting the claims into independent form is unnecessary.

Objection to the Abstract

The Abstract is objected to. Applicants have amended the Abstract and respectfully request, therefore, that the objection be withdrawn.

Rejections Under 35 U.S.C. § 112

The Office Action sets forth at page 2 "Claims 3, 5-7, 10 and 22-29 are rejected under 35 U.S.C. 112, second paragraph ..." Applicants have appropriately amended claims 3, 5 and 7 and respectfully request, therefore, that the rejection be withdrawn.

Rejections Under 35 U.S.C. § 102(b)

The Office Action sets forth at page 3 "Claims 1, 2, 8, 15 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Nalbach (U.S. Patent 3,948,386)." Applicants respectfully submit that this rejection is overcome by the amendments to the claims for the reasons set forth below.

Applicants' invention as recited in claim 1 includes features not disclosed or suggested by the cited prior art, namely:

An article-positioning machine comprising means to collect the articles in a plurality of individual housings moving in a closed circuit ...

... a corresponding alignment conduit ... each alignment conduit comprising an upper portion for collecting the articles from the corresponding housing ...

... at least one movable intermediate portion defining at least one conduit for receiving the articles from said upper portion ...

... a lower portion comprising at least two compartments for receiving the articles from said intermediate portion ...

... said upper and lower portions moved together along said closed circuit while said intermediate portions are movable with respect to the upper and lower portions ...

... drive means being provided to selectively move said intermediate portion in order to put said conduit of the intermediate portion in alignment with the upper portion so as to receive an article from the same and then put the conduit of the intermediate portion in alignment with one or the other of said at least two compartments of the lower portion ...

Applicants' invention as recited in claim 1 is an article positioning machine having alignment conduits wherein each alignment conduit comprises an upper portion and a lower portion that are moved together along the closed circuit, and an intermediate portion which is selectively moved with respect to the upper and lower portions to distribute articles from a unique compartment of the upper portion to several compartments of the lower portion.

Nalbach is relied upon as disclosing "an upper portion 62, an intermediate portion 64, an exit conveyor 14 and a stationary plate 182 which is between the upper and lower portions and the plate 182 has an interruption such that articles drop down to the lower portion from the upper portion." Nalbach fails to disclose or suggest, however, i) an upper portion and a lower portion that are moved together along the closed circuit, and ii) an intermediate portion which is selectively moved with respect to the upper and lower portions to distribute articles from a unique compartment of the upper portion to at least two compartments of the lower portion.

In contrast, applicants' invention as recited in claim 1 includes i) an upper portion and a lower portion that are moved together along the closed circuit, and ii) an intermediate portion which is selectively moved with respect to the upper and lower portions to distribute articles from a unique compartment of the upper portion to at least two compartments of the lower portion.

It is because applicants have included the features of i) an upper portion and a lower portion that are moved together along the closed circuit, and ii) an intermediate portion which is selectively moved with respect to the upper and lower portions to distribute articles from a unique compartment of the upper portion to at least two compartments of the lower portion that applicants are able to achieve the following advantages. Allowing articles to drop into alignment conduits that are capable of positioning more than one article in each alignment conduit during one revolution or cycle. The claimed invention also provided the advantage of adjustment in the housings and alignment conduit to adapt to articles of various sizes. Nalbach does not achieve these advantages because Nalbach does not include i) an upper portion and a

lower portion that are moved together along the closed circuit, and ii) an intermediate portion which is selectively moved with respect to the upper and lower portions to distribute articles from a unique compartment of the upper portion to at least two compartments of the lower portion.

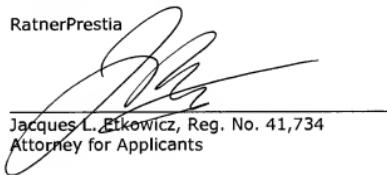
Because Nalbach fails to disclose or suggest each and every feature of applicants' claimed invention, applicants respectfully request that the rejection of claim 1 as being anticipated by Nalbach be withdrawn and the claim allowed.

Claims 2, 8, 15 and 21 depend upon allowable claim 1 and, thus, are likewise not subject to rejection for at least the reasons set forth above with respect to claim 1.

In view of the amendments and remarks set forth above, applicants submit that the above-identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,

RatnerPrestia



Jacques L. Etkowicz, Reg. No. 41,734
Attorney for Applicants

JLE/kpc/nm

Attachment: Abstract

Dated: April 8, 2010

P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

876886